

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HELENA BEATRICE GENTRY,)	
)	
Plaintiff,)	Case No. C09-1000-RSM-BAT
)	
v.)	REPORT AND
)	RECOMMENDATION
MICHAEL ASTRUE, Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

Plaintiff Helena Beatrice Gentry brought this action to seek judicial review of the denial of her claims for a period of disability and for disability insurance benefits and supplemental security income by the Commissioner of the Social Security Administration. Dkt. 5. Based on the stipulation of the parties (Dkt. 17) the Court recommends that this case be **REVERSED** and **REMANDED** for further administrative proceedings.

The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *Id.* The parties agree that on remand, the Administrative Law Judge (ALJ) shall acquire supplemental evidence from a vocational expert in order to further assess the effect of plaintiff's limitations on the occupational base and consider evidence received in connection with plaintiff's March 6, 2007 application for Title XVI benefits, filed subsequent to the February 27, 2003 Title XVI application at issue.

1 The parties further agree the ALJ issued a decision in the 2007 case on February 24, 2010
2 finding plaintiff disabled as of March 6, 2007 and that the order on remand is not intended to
3 disturb that February 24, 2010 decision. *Id.*

4 Because parties have stipulated that the case be remanded as set forth above, the Court
5 recommends that United States District Judge Ricardo S. Martinez immediately approve this Report
6 and Recommendation and order the case **REVERSED** and **REMANDED** for further
7 administrative proceedings. The parties also agree that upon proper presentation, the Court should
8 consider plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d). A proposed
9 order accompanies this Report and Recommendation.

10 DATED this 23rd day of March, 2010.

11
12 

13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23